



PATENT  
Docket No.: 3828-4000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Cohava GELBER  
Serial No. : 09/374,367 Group Art Unit: 1642  
Filed : August 13, 1999 Examiner: L. Helms  
For : ***Myeloma Cell and Ovarian Cancer Cell Surface  
Glycoprotein, Antibodies Thereto and Uses Thereof  
(As Amended)***

COMMISSIONER OF PATENTS  
Washington, D.C. 20231

**STATEMENT OF BIOLOGICAL CULTURE DEPOSIT**

I, Cohava Gelber, inventor of the above-identified patent application,  
hereby state as follows:

1. The following monoclonal antibody referred to in the specification of  
this application has been deposited:

<u>Monoclonal Antibody</u>	<u>Accession Number</u>
MA69 monoclonal antibody produced by hybridoma cell line IMM002.69.47.4	PTA-450

2. The date of the above deposit on August 3, 1999, is before the U.S.  
filing date of this application.
3. The name and address of the depository is:

American Type Culture Collection  
10801 University Boulevard

Manassas, VA 20110-2209

4. A statement that the culture deposited with the above-named depository is viable is attached (Exhibit 1). This statement is executed by the depository.
5. With respect to the permanence of the culture deposit, the depository is an official depository, in accordance with the Budapest Treaty for the above-deposited culture. Evidence that permanent availability of the culture is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture.
6. Should the culture become non-viable or be inadvertently destroyed, applicant will replace such culture for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample, or for the life of any patent issued on the above-mentioned patent application, whichever period is longer.
7. With respect to availability of the culture, the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted, whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. §608.01(p)); and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37

C.F.R. §1.14 and 35 U.S.C. §122. Evidence of the accessibility of the culture as set forth above is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 7/20/01

By: Cohava Gelber  
Cohava Gelber, Ph.D.

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

ImmunoTherapy, Inc.  
Attn: Cohava Gelber, Ph.D.  
765 Old Saw Mill River Road  
Tarrytown, NY 10591

Deposited on Behalf of: ImmunoTherapy, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Hybridoma cell line IMM002.69.47.4

PTA-450

The deposit was accompanied by: \_\_\_ a scientific description \_\_\_ a proposed taxonomic description indicated above.

The deposit was received August 3, 1999 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will not inform you of requests for the strain.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested August 10, 1999. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: August 10, 1999

cc: Michael A. Yamin